

5. TIME SET AGENDA

- 5.1 2002-075: Recommendations on the Old Sugar Mill Specific Plan, including Findings of Fact, Statement of Overriding Considerations, Zone Change, General Plan Amendment, Development Agreement, and Design Guidelines and Standards. The proposed project would result in 28.2 acres of residential development (162 new homes), 24.7 acres of commercial uses, 29.7 acres of industrial uses, 15.7 acres of public uses, 3.2 acres of waterfront/open space, and 3.9 acres of roads. The 105.4-acre subject site is currently zoned as M-2 (Heavy Industrial) and designated as Specific Plan. The site is bounded by South River Road/Sacramento River on the east, Winchester Lake on the north, Willow Avenue on the west, and the Town of Clarksburg to the south (APNs: 043-240-06, -07, -09, and -10). An Environmental Impact Report and Mitigation Monitoring Plan have been prepared for this project (SCH# 2003022104). Owner/Applicant: Clarksburg Investment Partners (H. Tschudin/David Morrison).

Chair Cameron gave the following overview of the agenda for this item.

- County staff will give a presentation of the overview of the project.
- Applicant will come forward to make a presentation.
- A member of the Clarksburg General Plan Advisory Committee will be asked to come forward to make a presentation on behalf of the General Plan Advisory Committee.
- The public hearing will be opened, with a maximum three-minute comment period per person.

David Morrison made introductory comments and introduced Heidi Tschudin, the Contract Planner for the project.

Heidi Tschudin, Contract Planner for Yolo County, presented a summary of the staff report, identified documents pertaining to the project, and explained background information. She said there will be a slide presentation, prepared by the applicant, showing the elements of the specific plan.

David Morrison added, for the record, that staff has received comment letters from David Nelson, LAFCO, and James Pacht, that are placed before the Commission for inclusion as part of today's deliberations.

Tim Taron, attorney representing the applicant, introduced members of his technical team, and thanked staff for their effort in bringing the project forward. He stated that they concur with staff's overall recommendations, and addressed several areas of disagreement, including changes to the mitigation measures, development agreement, and staff recommendations (see attached Changes to Staff Recommendation Requested by Applicant).

Carol Berry, Chair of the Clarksburg General Plan Advisory Committee, expressed comments on the Old Sugar Mill Specific Plan (copy of comments attached).

Commissioner Merwin thanked everyone from Clarksburg for attending today's meeting, and for all the time and effort that the Clarksburg General Plan Advisory Committee has placed on this issue.

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The public hearing was opened.

Kristy Emory, 53940 South River Road, Clarksburg, said she supports the recommendations of the Clarksburg General Plan Advisory Committee.

Peggy Bohl, resident of Clarksburg representing the concerned citizens of Clarksburg, expressed their concerns to the Commission regarding levee safety, consistency with the Delta Protection Plan, high ground water, closure of the landfill, and the number of homes. She stated that they firmly believe that the Clarksburg General Plan, that was adopted in 1992, should be followed.

Peter Anderson, Clarksburg resident and member of the Clarksburg General Plan Advisory Committee, said that he supports the committee's recommendations and was disappointed that staff's recommendation differed.

Nancy Kirkoff, landowner and owner of a business in the Clarksburg area, expressed her support of the Sugar Mill housing development in Clarksburg, and said that she sees this as a positive change for the community, both visually and economically. She supported the maximum number of homes to bring money and children to the schools.

John Bohl, resident, said this is a complex project, and that he will continue to point out his concerns, including the level of traffic on River Road and levee stability.

Russ van Loben Sels, member of the Advisory Committee, distributed information to the Commission, and focused on two areas of concern, including the proposed growth rate, and the feasibility of the proposed sewage treatment plant.

Harold Shipley, Clarksburg resident, and member of the Clarksburg Fire Protection District urged the extension of School Street and approved moving the fire station to the center of the site.

Don Fenocchio, Clarksburg citizen at 36177 North School Street in Clarksburg, and member of the community for over fifty years, stated that he is in favor of this project, and that it will be a benefit for the Clarksburg community.

Gil Lopez, resident and teacher in Clarksburg, said he supports the applicant's proposal as it will benefit schools and local businesses.

Mark Wilson, of Wilson Farms in Clarksburg, expressed concerns about staff's recommendations, including setback areas, elevated homes, and hours of operations for agricultural trucking operations.

The public hearing was closed.

Chair Cameron declared a five-minute recess in order to correct technical difficulties with the recording system.

The public hearing was re-opened.

Judy Serpa, 53535 South River Road, Clarksburg, said she does not understand why the concerned citizens of the community are not here to voice their opinions. She believes this project will bring a good future to the Clarksburg community.

The public hearing was re-closed.

The Commission addressed issues in the staff recommendations of the staff report, as follows:

Location of the Fire Station:

- Commissioner Bertolero supported the site.
- Commissioner Cornejo supported the location.
- Commissioner Merwin said the connection to School Street is critical to this project, and that the firehouse, park, and pool should be located near each other. His location choices include (in order of priority): (1) the south end of the project on School Street, (2) near the intersection of “C” Street on Sugar Mill Road, (3) where it’s shown, and (4) staff’s recommended location.
- Commissioner Woo said she feels very strongly that the fire station, swimming pool, park, and any amenity, should be on the outside where it is obvious that it belongs to the entire community. It’s very important to keep this project knitted in with the fabric of the community.
- Commissioner Gerber agreed with Commissioner Woo.
- Commissioner Peart concurred with his colleagues.
- Chair Cameron said she agrees with her colleagues, and likes the idea of putting the fire station and pool together.

Summary

Very supportive of extending School Street, keeping the pool and the fire house together, and moving the location in accordance with Commissioner Merwin’s comments.

Design Standards (Attachment C, Page 2, Item 12):

Commissioner Woo said she agrees with most of the design standards, and commented on other issues as follows:

The homes could be two or three stories, but the first floor should not be all garage and should include a basement or apartment.

It should be required that they have conduits for the photovoltaic solar energy systems. The setbacks should be smaller.

Commissioner Gerber asked for clarification about the flooding patterns before requiring the elevations of the houses. He also said he’s opposed to the photovoltaic energy requirement.

Commissioner Peart said he’s not in favor of requiring the houses to be wired for solar panels.

Chair Cameron said that requiring conduit is acceptable but agreed that solar panels should not be required. She stated that a county ordinance should be explored before executing this requirement. She respectfully disagreed with Commissioner Woo’s design about the level of housing, and stated that she likes the look of variable appearing houses next to each other. She also noted that she doesn’t like the idea of three-story housing.

Commissioner Merwin said that the photovoltaic solar energy installation requirement should be left up to the individual lot buyers, and discussed flooding issues. He said that two-story design is a good idea, and that restricting people from not using the ground floor as livable space, is excessive in this particular case. He supported minor elevation of homes.

Commissioner said she agrees with her fellow commissioners and that she does not support the three-story homes or the solar panels.

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Commissioner Bertolero stated that he doesn't think three story homes are consistent with the current housing pattern in Clarksburg. He agreed with the affordable housing requirement and said that one or two story homes are acceptable, and that it's the choice of the individual. He said that solar panels should be the choice of the individual.

Commissioner Woo reiterated that one or two story houses are fine but that there should be more than just a garage on the first floor.

David Morrison reiterated that right now Clarksburg is designated as Zone C under the FEMA Flood Insurance Rate Maps, and elevation is not required under the current requirements. If FEMA changes those standards, all homes will be required to be elevated and there will be no living space below the base flood elevation.

Summary

No to solar requirement, but yes to the wiring; raised foundation and pad for all homes, generally two to four feet; one and/or two story homes, but no three-story homes; and handicapped visibility will not be recommended.

Sugar Mill Road:

Commissioner Merwin complimented the Clarksburg General Plan Advisory Committee for their hard work in developing language for the project.

The Commission offered comments regarding the width for the existing School Street.

Summary

This street should be at least the same width as the existing School Street.

Design for the Detention Pond and Joint Use of Drip Dispersal Areas:

Mr. Dauwalder, civil engineer for the developers, gave a detailed clarification of the wastewater system, and answered questions from the Commission. He indicated that the reserve area would not have irrigation, but could be used for joint-use activities.

Bob Smith, a manufacturer of treatment equipment, presented and explained a picture of a wastewater treatment plant in Bethel Heights, Arkansas, which shows a dispersal field that is used in a public use setting.

The Commission recessed for lunch at 12:00 p.m. and reconvened at 1:00 p.m.

300-foot Setback from the Levee:

Heidi Tschudin presented an overview of why staff is recommending the 300-foot setback from the levee, and answered questions from the Commission.

Phil Pogledich gave further clarification of the setback issue, and discussion was held.

Commissioner Bertolero commented on the 300-foot setback and stated that it's an unfair taking of the land and the rights. He said he doesn't see why the burden should be taken on this particular project. He recommended that the 50-foot strip be more of a grass area to serve the function of accessibility.

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Commissioner Cornejo said she supports the 50-foot setback, not the 300-foot setback.

Commissioner Woo stated that she also supports the 50-foot setback, and said that it needs to be separate from people's back yards, and that it should be landscaped.

Commissioner Gerber said he thinks this is an undue hardship on the development, and that he would not favor requiring the 300-foot setback.

Commissioner Peart stated that the 300-foot setback should be required to accommodate big equipment until such time as the levee is safe.

Commissioner Merwin commented that he thinks a 50-foot setback is a good number from the standpoint of maintaining and monitoring existing levees. He said he couldn't support a 300-foot setback.

Chair Cameron agreed with the majority of the Commissioner's that a 50-foot setback is adequate at this point.

Summary

There is a consensus of support for the 50-foot setback from the toe of the levee.

Total Number of Residential Units, Single-Family Minimum Lot Size, and Intermixing of Residential Uses:

Commissioner Woo stated that she's in favor of the staff recommendations. She said she supports the 162 units with the 50-foot minimum, agrees that the 7,000 square foot minimum lot size is too large, and is not in favor of intermixing the cluster and cottage units with the residential units since the development is so small. She added that the larger yard setbacks don't make sense.

Commissioner Gerber said that he supports the General Plan Advisory Committee's number of 126 residential units, and the 7,000 square foot minimum lot size.

Commissioner Peart also backed the Advisory Committee's recommendations.

Commissioner Merwin said the General Plan Advisory Committee in Clarksburg worked hard on this project and he is inclined to use their compromised numbers for the housing element even though it represents a slightly lower density than the staff recommendation, because of the following

Reasons:

.. It's the local committee's desire,

.. It would more closely approximate the existing housing density in Clarksburg, although it would still be more dense than town, It will still effectively double the size of Clarksburg and, although no community should be required to double its size to satisfy regional population goals against its wishes, this will provide ample growth for the Clarksburg area for the foreseeable future.

Commissioner Merwin added that, in this particular instance, he firmly believes that the sign of a good compromise is that nobody is happy with it.

Commissioner Cornejo supported staff's recommendation of 162 units.

Chair Cameron stated that staff's recommendation of 162 units for several of the same reasons expressed by her fellow commissioners, and because it would make it more affordable for the

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residents that do purchase, in terms of the homeowner's associations and the community service agencies. She also agreed with staff's recommendation on the minimum lot size and the intermixing of residential units.

Commissioner Bertolero explained that he supports the full project of 162 units, and that he believes there should not be a limitation on lot size.

Summary

There is narrow support for both the 162 residential units and the 7,000 square foot minimum lot size.

Location and Size of the Park:

The Commission agreed with staff's recommendation, with the deletion of the requirement for a 300-foot setback.

Chair Cameron concurred with staff's recommendation, with the deletion of the first sentence, on Page 13, under "Location and Size of the Park".

Commissioner Bertolero expressed that the park is a great idea for the community as long as it complies with the minimum size for the population and the standards.

Commissioner Cornejo said she also supports staff's recommendation with the deletion of the first sentence as expressed by Chair Cameron. Also, she said the park needs to be located by the pool.

Commissioner Gerber agreed that the fire station, park, and the pool should be a combined package, and that the preferred location is near the interface somewhat close to School Street.

Commissioner Peart concurred with Commissioner Gerber.

Commissioner Woo expressed that it's not absolutely necessary that the park has to be next to the pool, but that the play areas are located between the existing and the new community, and not buried in the development.

Residential Parking Requirements:

The Commission agreed with staff's recommendation.

Commissioner Woo recommended that the applicant investigate the possibility of shared driveways, which oftentimes is a space-saving measure.

Sycamore Grove:

The Commission concurred with staff's recommendation.

DEVELOPMENT AGREEMENT

Walking Trail:

Chair Cameron supported staff's recommendation, and said that a walking trail is nice for the whole community.

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Commissioner Cornejo agreed with staff's recommendation about the walking trail.

Commissioner Bertolero said that the 50-foot buffer should not be over-landscaped and should incorporate drought-tolerant low maintenance plants.

Commissioner Merwin also agreed with staff's recommendation, and with Commissioner Bertolero's comments.

Commissioner Woo agreed with having the walking trail, and that the landscape should be very simple and low maintenance.

David Morrison summarized that staff is satisfied with the discussion to date.

Commissioner Cornejo said she is in support of this project and that it will enhance the economy and the schools in Clarksburg.

Commissioner Cornejo left the meeting at 1:57 p.m.

CEQA

Sound Mitigation:

Commissioner Gerber voiced that the sound mitigation proposal is extreme, and he doesn't believe the developer should be required to replace windows with double pane.

Commissioner Peart agreed with Commissioner Gerber.

Commissioner Bertolero said this requirement doesn't seem reasonable since it's not project-related, and shouldn't be required on private property off the site.

Commissioner Merwin concurred with his fellow commissioners.

Commissioner Woo said she thinks this requirement is unreasonable, and suggested that a maximum cap be placed for mitigating the impacts to each home.

Chair Cameron said she thinks that the staff recommendation is a bit extreme, and that she doesn't think it's fair to the applicant.

The Planning Commission also agreed that wording, "excluding deliveries to the winery" should be shown in Mitigation 4.8.2 regarding noise limits on truck deliveries.

Heidi Tschudin pointed out that the Mitigation Monitoring Plan that has been attached to the staff report contains in it a number of edits that are proposed by staff that clarify those mitigation measures, and that today's comments will also be incorporated.

Flood Mitigation:

Commissioner Bertolero addressed his concerns regarding the seepage under the Old Sugar Mill site. He recommended that a Condition of Approval be added that a drain tile system be engineered, approved, and installed within the buffer strip, to handle this under-seepage problem.

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Commissioner Peart agreed with Commissioner Bertolero's recommendation, and said that the Reclamation District should review it.

The Planning Commission proposed a drainage tile system as an alternative mitigation measure for Mitigation 4.7.8. They also recommended prominent deed disclosures to alert potential homebuyers that this area may be subject to flooding.

Fiscal Analysis:

Commissioner Peart said he has concerns about the assumptions that are being made, and asked staff to research this further.

A gentlemen, from Economic and Planning Systems, explained the assumptions, and answered Commissioner Peart's questions.

SUMMARY

Heidi Tschudin presented an overview of the Planning Commission recommendations, as follows:

School Street is to be extended all the way through.

The fire station and the pool site are to be kept together as a linked pair of land uses.

Those land uses are to move to either the School Street extension location or where Old Sugar Mill Road intersects with "C" Street.

No solar panel installation, but yes to the wiring for solar.

No elevation requirements, but yes to raised pads and foundations for all homes.

No restrictions on uses in any of the floors of the homes.

All the other design requirements in the list were OK.

On discussion of accessibility, the Planning Commission did not impose additional accessibility requirements.

No to the 300-foot buffer, but yes to the 50-foot buffer which has to do with Mitigation Measure 4.7.8. The 50-foot area is to be improved with native grasses, xeriscape, simple landscaping, minimal watering, minimal upkeep, and a walking path.

There was a consensus at the time for 162 units vs. the Committee's recommendation of 126 units. Commissioner Merwin stated that he does not concur with this.

There's going to be a design guideline added about investigating shared driveways.

Mitigation Measure 4.8.3 having to do with noise attenuation along South River Road was rejected.

Related to the 300-foot issue, which was Mitigation Measure 4.7.8, there was a consensus to substitute a requirement for a drainage tile system within the 50-foot buffer area, and the drainage tile system would include an observation-pipe system for monitoring.

There was a consensus to exclude the winery from the requirements of Mitigation Measure 4.8.2, which had to do with the nighttime noise thresholds.

There was direction to staff to complete review of the fiscal analysis, so that staff can provide those results to the Board for their deliberation.

Monument signage and other entry improvements shall be limited to the intersections of "C" Street and Willow Road, and Old River Road and Willow Point Road.

The following are summary comments from the Planning Commission:

Commissioner Woo said that the Committees should be very proud of their work and all of the time they invested, and that she's sure this project is better since it had so much community input.

Commissioner Bertolero concurred with Commissioner Woo's comments, and commended David Morrison and his staff, County Counsel, and the consultants for bringing this project together. He

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said he thinks the Clarksburg Committee has done a great job on their review of the documents, and concluded that with some of these minor changes and additions, he definitely supports the project.

Commissioner Gerber said that this has been one of the most fascinating proposals that have come before the Planning Commission during his seven-year term. He stated that he thinks this project will be beneficial to Clarksburg, and is in support of the project.

Commissioner Merwin thanked the citizens for contributing their tremendous amount of time on the project. He stated that, with the one exception about the 162 new home concept, he is in favor of the project. He also added that he supports the Delta Protection Act.

Commissioner Peart stated that he's in favor of the project, and expressed appreciation to staff, the applicant, and all the people in Clarksburg. He said that he did vote for the smaller number of homes also.

Chair Cameron said that she supports the project, and added that she did vote for the higher number of houses since this is probably the last development in Clarksburg.

Chair Cameron thanked everyone for coming and for their hard work.

Commissioner Woo thanked Heidi Tschudin for coming into the project at the last moment and for doing such a wonderful job on the staff report.

Commission Action

Recommended that the Board of Supervisors:

- (1) CERTIFY the EIR (Attachment A) with minor clarifications as proposed by staff and as amended by discussion today, to the Mitigation Monitoring Plan as proposed by staff in Attachment B.
- (2) ADOPT the Old Sugar Mill Specific Plan and Design Guidelines as proposed by staff and as amended by discussion today, with specific modifications proposed by staff in Attachment C.
- (3) AMEND the Clarksburg General Plan to incorporate the final Old Sugar Mill Specific Plan as appropriate in the text and as an attachment to the General Plan.
- (4) REZONE the property from Heavy Industrial (M-2) to appropriate zones consistent with the final Specific Plan Land Use Diagram.
- (5) EXECUTE a Development Agreement with the community benefit items summarized herein and with substantially the same form and content as Attachment D, with the amendments discussed today.

MOTION: Woo SECOND: Peart

AYES: Bertolero, Cameron, Gerber, Peart, and Woo

NOES: Merwin

ABSTAIN: None

ABSENT: Cornejo

REGULAR AGENDA